

REMARKS

The above amendments and following remarks are fully and completely responsive to the Office Action dated September 23, 2005. Claims 5 and 9 are pending in this application with claims 7-8 canceled. In the outstanding Office Action, claims 5 and 7-9 were rejected under 35 U.S.C. § 103(a). No new matter has been added. Claims 5 and 9 are presented for reconsideration.

35 U.S.C. § 103(a)

Claims 5 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cupps et al. (U.S. Patent No. 5,991,739, "Cupps") in view of Maekawa et al. (U.S. Patent No. 6,040,824, "Maekawa"). The cancellation of claims 7-8 has rendered moot the rejection of these claims. In making this rejection, the Office Action asserts that the combination of these two references teaches and/or suggests the claimed invention. The Office Action also asserts that it would be obvious to one of ordinary skill in the art to combine these two references. Applicants disagree and request reconsideration of this rejection of claims 5 and 9.

The Office Action in section 4, beginning on page 2, states that Cupps teaches a retrieval site and that the retrieval site is formed from a retrieval server, retrieval database and a registered shop database.

The Office Action admits that Cupps does not explicitly disclose a map database site. The Office Action cites Maekawa as teaching a map database site.

However, the Office Action has not identified where the shop site comprising a shop server, as recited in independent claim 9 is found in either Cupps or Maekawa.

Accordingly, the Office Action has failed to make a *prima facie* case, since the Office Action fails to identify each and every element of the claimed invention in the cited prior art.

Applicants have carefully reviewed both Cupps and Maekawa and did not find any teaching and/or suggestion of a shop site comprising a shop server. Accordingly, the combination of these two references fails to teach and/or suggest the claimed invention. Specifically, the combination of these two references fails to teach and/or suggest that the shop site comprises a shop server.

Therefore, the combination of Cupps and Maekawa fails to disclose and/or suggest Applicants' invention. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 5 and 9 under 35 U.S.C. § 103(a).

Conclusion

Applicants' remarks have overcome the rejection set forth in the Office Action dated September 23, 2005. Specifically, Applicants' remarks have distinguished claims 5 and 9 from the combination of Cupps and Maekawa and thus overcome the rejection of these claims under 35 U.S.C. § 103(a). Accordingly, claims 5 and 9 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 5 and 9.

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time.

The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to our Deposit Account No. 01-2300, making reference to attorney docket number 107156-00051.

Respectfully submitted,
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